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REMARKS

Claims 5-10 and 15-18 are all the claims pending in the application. Applicant acknowledges the Examiner's acknowledgment of the restriction with traverse, and thus has canceled claims 1-4 and 11-14 without prejudice or disclaimer, and reserves the right to file a divisional application. Applicant has added new claims 15-18 to more particularly define the invention. Claims 5-10 stand rejected on prior art grounds. Applicant respectfully traverses the prior art rejections based on the following discussion. Please mail all correspondence to the NEW address (see end of Amendment).

I. The Specification Objection and the 35 U.S.C. Section 112, Second Paragraph Rejection

In response to the Objection and the Examiner's comments, Applicant, as indicated above, has amended claims 6 and 8, consistent with the recommendations. Thus, the amendments obviate the need to clarify the disclosure as the disclosure explicitly defines "a means for attaching a handle" and "a means for releasably attaching a handle." (See Specification, Page 12, lines 20-34).

In response to the Objection and the Examiner's comments, Applicant, as indicated above, has amended claim 5 consistent with the explicit language of the Specification thus obviating the need to clarify the disclosure. In particular, Applicant has amended claim 5 to conform the claim language with the Specification and drawings. (See Specification, Page 10, line 18-Page 12, line 12; and Figures 2-6).

In response to the 35 U.S.C. Section 112, Second Paragraph rejection and the Examiner's comments, Applicant, as indicated above, has amended Claim 5 consistent with the recommendations. (See Specification, generally, Page 10, line 18-Page 12, line 12; and specifically, Page 11, lines 7-14).

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections.

II. The Prior Art Rejections

Claims 5-10 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Hayes, et al. ("Hayes") (U.S. Patent No. 3,670,624). Claims 5-10 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Han ("Han") (U.S. Patent No. 6,082,233)

A. The Rejection Based on Hayes

Regarding claim 5, Hayes fails to disclose, teach or suggest the features of independent claim 5, and related dependent claims 6-10, including a rectangular recess being defined by the tool head and extending into the tool head in a direction along the predetermined axis from the forward axial end face, and the rectangular recess extending from the arcuate peripheral surface in a direction perpendicular to the predetermined axis. (See Application, Page 7, line 32-Page 8, line 20; Page 10, line 27-Page 11, line 6; Page 11, line 34-Page 12, line 19; and Figures 2-6).

Indeed, Figures 1-5D of Hayes merely teach a conventional rammer head structure 10, which grips a cartridge case 11 to move the case forward into a loading tube 13 moveably positioned adjacent to a gun breech 14 of a gun barrel and then release the case. In particular, the rammer head structure 10 includes a rammer head liner support actuator member 18 consisting of a liner support 20 and an actuator 21 secured together. The liner support 20 includes a radially extending body 22 and arcuate extending flanges forming a pair of opposed arcuate jaws 24. A pair of grippers or liners 32 are secured at opposite ends of the liner support 20, that is, within the pair of opposed arcuate jaws 24, and a rammer body 29 attached to a radial body portion 26 of the actuator 21. A pad 38 and a backing plate 36 are attached to the rammer body 29. Importantly, and accordingly, the resultant structure of the opposed arcuate jaws 24, pad 38 and backing plate 36 form a substantially flat end piece of the

rammer head structure 10 with the opposed arcuate jaws 24, and related liners 32, extending perpendicular to the pad 38 and backing plate 36 (what the Office Action seems to attempt to analogize to Applicant's rectangular recess as claimed. Please note, the Office Action does not explicitly identify the corresponding element number(s) in the reference as required by the MPEP). Based on this structural configuration, the opposed arcuate jaws 24 and related liners 32, interface and grip the ammunition 11 so that the rammer chains 12 contact the axially extending shaft 28 of the rammer body 29 and advance the ammunition 11 forward into the loading tube 13. To be sure, a principle object of the Hayes invention is to form the structural gripping configuration from a flexible material instead of conventional metal materials to prevent scuffing or damage to the ammunition cartridge case. (See Hayes at Abstract; Column 1, lines 5-27; Column 1, line 72-Column 2, line 55; Column 4, lines 30-40; and Figures 1-5D).

In contrast, as indicated briefly above and below, Figures 2-6 of Applicant's invention include a rocket tool 10 to load and unload a rocket 15 into a tube 17 where the rocket tool 10 maintains proper alignment and contact with the rocket 15, and does not slip off a surface of the rocket 15 like the conventional technology nor damage an end shield or igniter attachment of the rocket. In particular, the rocket tool 10, includes a tool head 11 and a handle 12. The tool head 11 includes an arcuate peripheral surface 65 having a shape conforming to a segment of a cylinder with a predetermined axis running the length of the cylinder, a planar peripheral surface 67 subtending the arcuate peripheral surface 65 and extending perpendicular to the arcuate peripheral surface 65, a forward axial end face 70 terminating both the arcuate peripheral surface 65 and the planar peripheral surface 67, and a rectangular recess 75. Importantly, the rectangular recess 75 is defined by the tool head 11 and axially extends into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70. Further, the rectangular recess 75 radially extends inward from the

arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis. (See Application above).

Based on this structural configuration, a blast paddle 51 extends across the tube 17 and is situated in a transverse/second position 57 within the rectangular recess 75 with a rocket 15 in its initial position 26. Further, the tool head 11 is inserted into the tube 17 without the tool head engaging the paddle or stop 25, for urging the rocket into its final position 60 by engagement of a forward face 70 with rocket annular face 32, and without the tool 10 slipping from the annular surface and damaging the rocket. Therefore, the rectangular recess 75 provides the needed alignment of the rocket tool 10 so that a flat surface of the forward face 70 of the tool 10 pushes against the rocket motor 15 in a correct position in a rocket launcher, and thus prevents damage to the rocket motor end shield when loading the rocket. (See Application above).

To be sure, Applicant discloses that the rectangular recess 75 is configured to extend into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70 and also extend from the arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis, whereas Hayes only teaches, in pertinent part, a substantially flat configuration, including the opposed arcuate jaws 24, pad 38 and backing plate 36, which form a substantially flat end piece of the rammer head structure 10 where the opposed arcuate jaws 24, and related liners 32, extend perpendicular to the pad 38 and backing plate 36. This substantially flat configuration is not a rectangular recess shaped configuration as claimed by Applicant.

Finally, this structural distinction is consistent with the focus of Applicant's invention to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Hayes is focused on a rammer head where the interface, that is, the structural gripping

configuration, with the rocket motor is made from a flexible material to prevent scuffing or damage to the ammunition cartridge case not improve alignment. (See above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Hayes structure. Thus, Hayes does not disclose, teach or suggest including a rectangular recess being defined by the tool head and extending into the tool head in a direction along the predetermined axis from the forward axial end face, and the rectangular recess extending from the arcuate peripheral surface in a direction perpendicular to the predetermined axis. (See above).

Based on the above, the Applicant traverses the assertion that Hayes discloses or teaches Applicant's invention of independent claim 5, and related dependent claims 6-10.

B. The Rejection Based on Han

Regarding claim 5, Han fails to disclose, teach or suggest the features of independent claim 5, and related dependent claims 6-10, including a rectangular recess being defined by the tool head and extending into the tool head in a direction along the predetermined axis from the forward axial end face, and the rectangular recess extending from the arcuate peripheral surface in a direction perpendicular to the predetermined axis. (See Application, Page 7, line 32-Page 8, line 20; Page 10, line 27-Page 11, line 6; Page 11, line 34-Page 12, line 19; and Figures 2-6).

First, Applicant respectfully notes that one of ordinary skill in the art of rocket motor tools is significantly different than one of ordinary skill in the art of conventional, non-military hand or power tools thus leading to the structural distinctions between Applicant's claimed invention and the multiple embodiments of the Hans invention(s).

Indeed, Figures 1-22 of Han merely teach a conventional fastener holding device for use with

power or hand tools. In a first embodiment, the fastener holding device 10 includes a driving bit member 20, a retaining member 40, a sleeve member 60, and an engaging assembly 70 situated at the end of the sleeve member 60 opposite the driving bit member 20, which interfaces for mounting in a tool, such as, a power drill. In particular, for example, a driving bit 100 or similar structure, is situated within the sleeve member 60 and held in place, in part, by the engaging assembly 70. The sleeve member 60 and engaging assembly 70 is a socket type configuration where the sleeve member 60 includes two notches where the engaging assemblies 70 are situated. Importantly, the sleeve member 60 (what the Office Action appears to analogize to Applicant's rectangular recess) includes a forward external face circumferentially surrounding one end of an internal aperture portion of the sleeve member 60 where the internal aperture portion extends to an internal back wall of the sleeve member 60. Accordingly, the sleeve member 60 and related engaging assembly 70 do not teach or suggest a planar peripheral surface, let alone, a planar peripheral surface subtending an arcuate peripheral surface as claimed by Applicant, let alone, a rectangular recess extending into the tool head (what may be analogous to a sleeve member 60) like Applicant's claimed invention.

Indeed, the numerous embodiments of Han's invention, as depicted in Figures 2-22 all disclose or suggest structurally analogous sleeve members sometimes referred to as a shaped aperture 30, a retaining member 40, a sleeve member 260 and similar names identified, in part, by 346, 450, 550, 660, and 730. Regardless of the name and number, all of these structures like sleeve member 60 appear to disclose an internal aperture portion extending away from a forward face, which circumferentially surrounds one end of the internal aperture portion of the sleeve member 60 (or shaped aperture 30), where the internal aperture portion extends to an internal back wall of the sleeve member 60. Therefore, the Han's structure is not a rectangular recess, including a planar surface, like Applicant's claimed invention. Based on this structural configuration, the sleeve member 60, or

shaped aperture 30, is simply configured for hand or power tools as a fastener holding device to, for example, hold screws to a driving bit, a principle object of the Han's invention. (See Han at Abstract; Column 1, lines 5-Column 1, line 50-Column 2, line 5; Column 5, lines 10-40; Column 6, lines 8-51; Column 7, lines 9-57; Column 8, lines 57-65; and Figures 1-22).

In contrast, and for emphasis, as discussed above and below, Applicant discloses that the rectangular recess 75 is configured to extend into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70 and also extend from the arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis, whereas Han only teaches, in pertinent part, a sleeve member (or shaped aperture), which includes a forward external face circumferentially surrounding one end of an internal aperture portion of the sleeve member where the internal aperture portion extends to an internal back wall of the sleeve member. This sleeve member shaped configuration is not a rectangular recess as claimed by Applicant.

Finally, this structural distinction is consistent with the focus of Applicant's invention to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Han is focused on a conventional fastener holding device designed for use with power or hand tools not improve alignment of a rocket motor. (See above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Han structure. Thus, Han does not disclose, teach or suggest including a rectangular recess being defined by the tool head and extending into the tool head in a direction along the predetermined axis from the forward axial end face, and the rectangular recess extending from the arcuate peripheral surface in a direction perpendicular to the predetermined axis. (See above).

Based on the above, the Applicant traverses the assertion that Han discloses or teaches Applicant's invention of independent claim 5, and related dependent claims 6-10.

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In view of the foregoing, Applicants submit that claims 5-10 and 15-18, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 17 May 2007
Fredric J. Zimmerman
Registration No. 48, 747

Department of the Navy
Office of Counsel
3824 Strauss Ave., Suite 103
Indian Head, MD 20640-5152
(301) 744-5603